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In re Application of ENSOLI :
U.S. Application No.: 10/549,958 :
PCT Application No.: PCT/EP02/04303 :
Int. Filing Date: 18 April 2002 : DECISION
Priority Date Claimed: 18 April 2001 :
Attorney Docket No.: 11340-007-999 :
For: USE OF INHIBITORS OF THE PROTEASE :
OF THE HUMAN IMMUNODEFICIENCY :
VIRUS (HIV). . . :

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 C.F.R. § 1.137(b)" filed 15 September 2005.

BACKGROUND

On 18 April 2002, applicant filed international application PCT/EP02/04303, which claimed priority of an earlier Italy application filed 18 April 2001. A copy of the international application was communicated to the USPTO from the International Bureau on 07 November 2002. The thirty-month period for paying the basic national fee in the United States expired on 18 October 2004.

International application PCT/EP02/04303 became abandoned as to the United States for failure to timely pay the basic national fee.

On 15 September 2005, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire

delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 18 April 2002, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 15 September 2005.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



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